

E-Filed 10/12/05

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RENESAS TECHNOLOGY CORP.,

Case Number C 03-05709 JF (HRL)

Plaintiff,

ORDER¹ OVERRULING
DEFENDANTS' OBJECTION TO
MAGISTRATE JUDGE LLOYD'S
ORDER ON NANYA'S MOTION TO
STRIKE RENESAS' PRODUCTION
OF PATENT PROSECUTION
HISTORIES

Defendants

[Docket No. 166]

NANYA TECHNOLOGY, et al..

Counterclaim Plaintiffs.

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RENESAS TECHNOLOGY CORP.

Counterclaim Defendant.

On September 6, 2005, Defendants / Counterclaim Plaintiffs Nanya Technology Corp. and Nanya Technology Corporation, USA (collectively, "Nanya") filed an objection to

¹ This disposition is not designated for publication and may not be cited.

1 Magistrate Judge Lloyd's August 26, 2005 "Order on Nanya's Motion to Strike Renesas'
2 Production of Patent Prosecution Histories for Failure to Comply with Patent Local Rule 3-2."
3 Plaintiff / Counterclaim Defendant Renesas Technology Corp. ("Renesas") filed an opposition to
4 the objection on October 11, 2005.

5 Nanya objects to what it considers to be the incomplete production of file histories of five
6 patents related to the seven patents in suit. Renesas offers evidence that it has produced in
7 discovery all relevant documents in its possession, custody, and control, and that it cannot obtain
8 the missing documents because the documents have been lost by the United States Patent and
9 Trademark Office. Having considered the parties' submissions, the Court is satisfied that in the
10 context of discovery, there is nothing further Renesas can do to comply with its obligations.
11 Accordingly, Magistrate Judge Lloyd's order is not clearly erroneous. However, although it
12 agrees with Magistrate Judge Lloyd that Renesas has complied with its discovery obligations
13 and that therefore it would be inappropriate to strike Renesas' responses in their entirety, the
14 Court notes that the incompleteness of the five file histories in question may support specific
15 evidentiary objections or motions for issue preclusion in future stages of the instant proceeding.
16 Accordingly, the objection to Magistrate Judge Lloyd's order will be overruled without prejudice
17 to such objections or motions.

18 IT IS SO ORDERED.
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21 DATED: October 12, 2005
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/s/ electronic signature authorized
JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

2 R. Tulloss Delk tullossdelk@quinnemanuel.com, alicemckinley@quinnemanuel.com
3 Stephen M. Geissler sgeissler@jenner.com, jsalla@jenner.com
4 Donald R. Harris dharris@jenner.com
5 Reginald J. Hill rhill@jenner.com
6 Victoria F. Maroulis vfm@quinnemanuel.com, sophiapope@quinnemanuel.com
7 Joseph Albert Saltiel jsaltiel@jenner.com
8 Samuel B. Shepherd sbs@quinnemanuel.com, patriciareilly@quinnemanuel.com
9 Terrence Joseph Truax ttruax@jenner.com
10 Kaiwen Tseng ktseng@orrick.com, hlee@orrick.com
11 Ronald L. Wanke rwanke@jenner.com
12 Eric L. Wesenberg ewesenberg@orrick.com, afreddie@orrick.com
13 Rowena Y. Young ryoung@orrick.com, aako-nai@orrick.com; jeanchung@orrick.com;
14 spak@orrick.com; sschultz@orrick.com

15 Sam Citron O'Rourke
16 ORRICK, HERRINGTON & SUTCLIFFE LLP
17 1000 MARSH ROAD
18 MENLO PARK, CA 94025